

Application Serial No. 10/648,095  
Examiner: E.D. Culbreth  
Art Unit: 3616

PATENT  
M&G No. 13425.0038US01

### Remarks

Reconsideration is respectfully requested in view of the above amendments and following remarks. The specification has been amended to include a recitation of Figure 5 added in the previously filed Amendment dated October 1, 2004. Claims 1, 2 and 7 have been amended, and are supported for instance in Figures 3-5 and the descriptions thereof. No new matter has been added. Claims 1, 2, 7, 9 and 10 are pending.

Applicants appreciate Examiner's approval of the added Figure 5 submitted in the previous response. Accordingly, a copy of the same labeled as "Annotated Marked-up Drawing" is provided herewith. Applicants respectfully request that this submission of the corrected drawing be considered acceptable.

Claims 1-2, 7 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claims 1, 2 and 7 have been amended to correct all lack of antecedent basis issues. Applicants respectfully assert that the claims are definite.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al. (U.S. Patent No. 6,796,576). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 1 recites an airbag that is unified with a bracket through a through-hole formed at the bracket above the airbag. The bracket is fastened, fixed, and attached to the vehicle body by a fitting through only another through-hole formed below the airbag. (Pages 5, 7 and 8.)

The present invention provides an apparatus where the attachment of the airbag to the vehicle is only fastened/fixed through the other end of the bracket located below the airbag. A situation can be avoided that the fitting enters in a gap between the airbag and the vehicle. Thus, a long assembly time for a passenger protection apparatus can be avoided, thereby reducing burden on a worker. (Page 6, lines 19-26.) Further, an elevation angle can be minimized in fastening airbag, thereby further alleviating a burden on a worker. (Page 7.) The present invention provides improved work efficiency for attaching the airbag.

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Aoki et al., however, does not teach or suggest the features as required by claim 1. Particularly, Aoki et al. does not disclose an airbag that is unified with a bracket through a through-hole formed at the bracket above the airbag, and where the bracket is fastened, fixed, and attached to the vehicle body by a fitting through only another through-hole formed below said airbag. In fact, the cited reference discusses using bolt 38 for fastening the air bag 21 and the inner member 37 together. (Figures 6 and 7.) In further contrast to the claimed invention, Aoki et al. employs bolt 38 to enter between the air bag 21 and the bracket 57 during assembly, because the air bag 21 and bracket 57 are attached to the inner member 37 together by the bolt 38. Aoki et al. does not teach the required features of claim 1, and would not reasonably enjoy the advantages provided by the claimed invention. Thus, for at least these reasons, Applicants respectfully submit that claim 1 and dependent claim 2 are allowable over the cited reference.

Favorable reconsideration and withdrawal of the rejection is respectfully requested.

Concerning the joint inventorship issues with respect to the instant claims, Applicants respectfully assert that the inventor and invention date are common in each claim.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (above) in view of Stutz et al. (U.S. Patent No. 6,224,087). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 7 recites a method for attaching a passenger protecting apparatus by providing the features of the apparatus of claim 1. Aoki et al. has been discussed above.

Stutz et al. does not provide what is missing from Aoki et al. The cited reference does not disclose providing an airbag that is unified with a bracket through a through-hole formed at the bracket above the airbag, and where the bracket is fastened, fixed, and attached to the vehicle body by a fitting through only another through-hole formed below said airbag. Stutz et al. discusses a protective device 1 that may be simply screwed on the roof frame 5 as a pre-assembled unit using studs 39 and a foil 2 to surround a mounting plate 9. (Column 4, lines 20-28.) Stutz et al., however, does not teach or suggest the configuration of fastening and fixing the bracket at the vehicle body through only another through-hole formed below the airbag. Thus, Stutz et al. fails to remedy the deficiencies of Aoki et al. Applicants respectfully submit that claim 7 and dependent claims 9 and 10 are allowable over the cited references either alone or in combination.

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Favorable reconsideration and withdrawal of the rejection is respectfully requested.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (above) in view of Stutz et al. (U.S. Patent No. 6,224,087) as applied to claim 7 and further in view of Sonnenberg (U.S. Patent Application Publication 2003/0094797A1). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

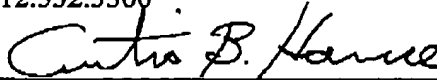
Claim 10 depends upon and further limits claim 7. Aoki et al. and Stutz et al. have been discussed in detail above. Sonnenberg does not provide what is missing from Aoki et al. and Stutz et al. The cited publication discusses employing a rivet to attach attachment members 30 to an interior of a vehicle. [0024] Sonnenberg, however, does not teach or suggest the configuration of fastening and fixing the bracket at the vehicle body through only another through-hole formed below the airbag. Thus, Sonnenberg fails to remedy the deficiencies of Aoki et al. and Stutz et al. Accordingly, it is respectfully submitted that claim 10 is allowable over the cited references either alone or in any combination thereof.

Favorable reconsideration and withdrawal of the rejection is respectfully requested.

With the above amendments and remarks, Applicants believe that the claims now pending are in a condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

  
Curtis B. Hamre  
Reg. No. 29,165

Date: March 29, 2005